

REMARKS

Claims 1-30 are pending in this Application. The Examiner rejected Claims 1-25 in an office action dated November 20, 2003. Claim 4 has been cancelled. Claims 1, 3, 7, 8, 16, 17-19, and 21 have been amended. Claims 26-30 are new. For the following reasons, the amendments do not add new matter.

Claim 1 is directed to an electronic writing instrument. It has been amended to include a feature identifier and a converter. Support for this amendment can be found on page 8, lines 4-15 of the specification. Claim 3, 7, and 8 each depend from Claim 1 and have each been amended to specify a particular manner in which the converter might operate. Support for this can be found on page 8, lines 16-21, page 12, lines 18-22, and page 12, line 23 through page 13, line 2 of the specification.

Claim 16 is directed to a computer readable media having instructions for performing a number of specified steps. Claim 16 has been amended to require that the claimed media includes computer readable instructions for identifying fingerprint features and converting the features into a private key code. Support for this amendment can be found on page 8, lines 4-15 of the specification. Claims 17 and 18 each depend from Claim 16 and have each been amended to conform to the changes made to Claim 16.

Claim 19 is directed to a computer readable media having instructions for performing a number of specified steps. Claim 19 has been amended to require that the claimed media includes computer readable instructions for creating a public key using fingerprint data. Support for this amendment can be found on page 8, lines 4-15 of the specification.

Claim 21 has been amended to correct a logical error.

Claims 26-29 each depend from Claims 9, 12, 16, and 22 respectively and specify the particular form taken by the private key code. Support for these additions can be found in the Specification on page 8, lines 16-21.

Claim 30 is a means plus function claim having limitations similar to those of Claim 1.

REJECTIONS OF CLAIMS 1-6, 8, 14-20, AND 23

Claims 1-6, 8, 14-20, and 23 were rejected under Section 103(a) as being obvious and unpatentable over USPN 6,627,870 issued to Lapstun in view of US Pub. No. 2001-005541 applied for by Black.

Claims 1-8: Claim 1 is directed to an electronic writing instrument. As amended, Claim 1 has been amended to require the following limitations:

1. a feature Identifier configured to identify a plurality of fingerprint features of a user's fingerprint scanned by a fingerprint scanner; and
2. a converter configured to convert fingerprint features identified by the fingerprint scanner into a private key code.

The Examiner notes that neither Lapstun nor Black teach these added limitations which are similar to limitations found in Claims 9 and 12. When rejecting Claims 9 and 12, the Examiner mistakenly contends that USPN 6,304,907 issued to Keronen teaches these limitations. The Examiner notes that Keronen discloses an "Internet pen" and corresponding access display terminal. The Internet pen includes a scanner capable of reading a fingerprint and an authentication unit capable of recognizing the fingerprint of the Internet pen's owner. Once a scanned fingerprint is identified as belonging to the Internet pen's owner, the Internet pen can transmit a corresponding verify code that allows the owner to perform a particular transaction or allows the release of desired information.

Keronen also provides:

"The Internet pen 10A also include (sic) a private encryption key memory 78 and encryption device 76 which allow for encrypting information to be transmitted from the Internet pen 10A to allow for secure communication with service (sic) accessible via the display access terminal 11."

Keronen mentions nothing of how a private encryption key is created. Keronen makes no connection between the data obtained from a fingerprint scan and the creation of a private key. Consequently, Keronen cannot be said to teach, expressly or inherently, the two limitations added to Claim 1.

For these reasons, Claim 1 is felt to distinguish over the cited art. Claims 2, 3, and 5-8 each depend from Claim 1 and include all of the limitations of that base claim. For the reasons Claim 1 is patentable, so are Claims 2, 3, and 5-8.

Claims 16-18: Claim 16 is directed to one or more computer readable media having instructions that when executed perform a number of steps. Claim 16 has been amended so that those steps include:

1. identifying a plurality of fingerprint features of the user's scanned fingerprint; and
2. converting the identified fingerprint features into a private key code.

The Examiner notes that neither Lapstun nor Black teach these added limitations which are similar to limitations found in Claims 9 and 12. When rejecting Claims 9 and 12, the Examiner contends that Keronen teaches these limitations. As pointed out above, this contention is mistaken.

Consequently, Claim 16 is felt to distinguish over the cited art. Claims 17 and 18 each depend from Claim 16 and include all the limitations of that base claim. For the same reason Claim 16 is patentable, so are Claims 17 and 18.

Claims 14 and 15: Claims 14 and 15 each depend from Claim 12 and were rejected citing only Lapstun and Black. As will be discussed below, the Examiner rejected Claim 12 citing Lapstun, Black, and Keronen while expressly noting that Lapstun and Black do not teach at least one limitation of Claim 12. Claims 14 and 15, because of their dependence, include all of the limitations of Claim 12. By the Examiner's own admission, Lapstun and Black cannot be said to teach all the limitations of Claims 14 and 15. Consequently, the Examiner's rejection of Claims 14 and 15 is improper.

Claims 19-25: Claim 19 is directed to one or more computer readable media having instructions that when executed perform a number of steps. Claim 19 has been amended so that those steps include:

1. receiving fingerprint data from an electronic writing instrument;
2. creating a public key code using the fingerprint data; and
3. creating an electronic signature using the public key code.

The Examiner notes that neither Lapstun or Black teach the added limitations which are similar to limitations found in Claims 9 and 12. When rejecting Claims 9 and 12, the Examiner contends that USPN 6,304,907 issued to Keronen teaches these limitations. As pointed out above, this contention is mistaken.

Consequently, Claim 19 is felt to distinguish over the cited art. Claims 20-25 each depend from Claim 19 and include all the limitations of that base claim. For the same reason Claim 19 is patentable, so are Claims 20-25.

REJECTIONS OF CLAIMS 9 AND 11

The Examiner rejected claims 9 and 11 under Section 103(a) citing Lapstun in view of Keronen. Claim 9 is directed to a method and requires the following limitations:

1. scanning a fingerprint to obtain fingerprint data related to fingerprint features;
2. transforming the fingerprint data into a private key code; and
3. creating a public key code from the private key code.

The Examiner contends that Keronen somehow teaches transforming fingerprint data into a private key code. As pointed out above, this contention is mistaken. Moreover, Keronen mentions nothing of creating a public key code from the private key code.

For these reasons, Claim 9 is felt to distinguish over the cited art. Claims 10 and 11 depend from Claim 9 and include all the limitations of that base claim. For the same reasons Claim 9 is patentable, so are Claims 10 and 11.

REJECTIONS OF CLAIMS 7, 10, 12, 13, 17, 21, 22, 24, AND 25

The Examiner rejected Claims 7, 10, 12, 13, 17, 21, 22, 24, and 25 under Section 103(a) citing Lapstun, in view of Black, and in further view of Keronen.

Claims 7 and 10: Claim 7 depends from Claim 1, and Claim 10 depends from Claim 9. For the reasons argued above, Claims 1 and 9 distinguish over the

cited references. For those same reasons Claims 1 and 9 are felt to be patentable, so are Claims 7 and 10.

Claims 12-15: Claim 12 is directed to a method requiring the following limitations:

1. receiving fingerprint data;
2. transforming the fingerprint data into a private key code uniquely identifying the fingerprint;
3. deriving a public key code from the private key code; and
4. incorporating the public key code into an electronic signature.

The Examiner contends that Keronen somehow teaches transforming fingerprint data into a private key code. As pointed out above, this contention is mistaken. Moreover, Keronen mentions nothing of deriving a public key code from the private key code.

For these reasons, Claim 12 is felt to distinguish over the cited art. Claims 13-15 depend from Claim 12 and include all the limitations of that base claim. For the same reasons Claim 12 is patentable, so are Claims 13-15.

Claims 17, 21, 22, 24, and 25: Claim 17 depends from Claim 16, and Claims 21, 22, 24, and 25 each depend from Claim 19. For the reasons argued above, Claims 16 and 19 distinguish over the cited references. For those same reasons Claims 16 and 19 are felt to be patentable, so are Claims 17, 21, 22, 24, and 25.

CONCLUSION

Claims 1-30 are felt to be in condition for allowance. Consequently, early and favorable action allowing these claims and passing the application to issue is earnestly solicited. The foregoing is believed to be a complete response to the outstanding Office Action.

Respectfully submitted,

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